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IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| UNITED STATES OF AMERICA |) |
|--------------------------|-----------------------|
| Plaintiff, | , } |
| vs. |) No. 4:06 CR 329 HEA |
| TODD SWEET, | ,) |
| Defendant. | ,) |

ORDER

This matter is before the Court on Defendant Todd Sweet's Request for Clarification of Sentence.

On September 29, 2006, Mr. Sweet pleaded guilty to one count of Possession of Body Armor by a Violent Felon. The Court sentenced him on January 3, 2007 to 24 months to run consecutively, to the sentence the defendant was serving in the Missouri Department of Corrections at that time, under Docket No. 05CR1558 from St. Louis County, for Possession of Burglary Tools and one year of Supervised Release. The Court's judgement was silent about whether or not the federal sentence was to run concurrently with any later imposed State sentence and whether or not it was to commence immediately upon his release from the sentence in the above-referenced Docket number.

Mr. Sweet is currently confined in the St. Louis County Justice Center in St. Louis Missouri pending disposition of Docket No. 06CR2231 which is a state charge that is related to the federal charge for which this Court sentenced Mr. Sweet in 2007. Since Mr. Sweet was brought to Federal Court on a writ, any sentence he will serve on this case or any time he spend incarcerated awaiting disposition of this case will be spent in state custody.

The issue before the Court is whether Mr. Sweet's federal sentence is to run concurrently with his related state case Docket No. 06CR2231.

The Court finds that its original intent on January 3, 2007 was that Mr. Sweet's federal sentence was to begin immediately upon completion of his state sentence in Docket No. 05CR1558 and to run concurrently with any time served awaiting the disposition of or sentence for Docket No. 06CR2231.

Therefore,

IT IS HEREBY ORDERED that the Bureau of Prisons shall enter a Nunc Pro Tunc Order that Todd Sweet's Federal sentence was to begin immediately upon his release from the Missouri Department of Corrections regarding Docket No. 05CR1558 shall run concurrently with any time served awaiting disposition or any sentence imposed in Docket No. 06CR2231.

So Ordered this 17th day of Applesale, 2007.

UNITED STATES DISTRICT JUDGE